

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Glass-Inspiration GMBH Design + Engineering, Petitioner, v. M. G. McGrath, Inc. Glass & Glazing, Respondent.	Court File No. PETITION TO CONFIRM ARBITRATION AWARD
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Petitioner Glass-Inspiration GMBH Design + Engineering (“Glass Inspiration” or “Petitioner”), for its Petition to Confirm Arbitration Award against M. G. McGrath, Inc. Glass & Glazing, (“McGrath” or “Respondent”), states and alleges as follows:

PARTIES AND VENUE

1. Glass Inspiration is an Austrian limited liability company with a registered address of Brandmühlestrasse 2, 4541 Adlwang, Austria.
2. McGrath is a Minnesota corporation with a registered address of 1010 Dale St. N., Saint Paul, MN 55117.
3. This Court has original jurisdiction over this action pursuant to 9 U.S.C. §§ 203 & 207 in that this is a civil action seeking confirmation of an award rendered in an arbitration falling under the Convention on the Enforcement and Recognition of Foreign Arbitral Awards.
4. Venue is proper in this District pursuant to 9 U.S.C. § 204 and because McGrath maintained a registered address and its principal place of business in this District.

FACTS

5. On December 30, 2015, Glass Inspiration and McGrath (the “Parties”) entered into purchase order agreement No. 15-1083-2, which included an agreement to arbitrate disputes arising out of or in connection with the agreement (the “Arbitration Agreement”). A true and correct copy of the Arbitration Agreement is attached hereto as **Exhibit A**.

6. On April 25, 2022, pursuant to the Arbitration Agreement, Glass Inspiration filed its Request for Arbitration with the International Court of Arbitration of the International Chamber of Commerce.

7. In the Request for Arbitration, Glass Inspiration nominated Mr. Ulrich Kopetzki as an arbitrator. In October 2022, McGrath nominated Ms. Heidrun Halbartschlager as an arbitrator. The nominated arbitrators then nominated Mr. Christian Aschauer as the President of the Arbitral Tribunal, and neither party objected.

8. The initial deadline for the Arbitral Tribunal to issue an award was December 29, 2023. On or about December 7, 2023, the International Court of Arbitration of the International Chamber of Commerce (the “ICC Court”) issued a written order extending the deadline to March 29, 2024. On or about March 7, 2024, the ICC court issued another written order extending the deadline to August 30, 2024. Neither party objected to the extensions.

9. On May 29, 2024, the Arbitral Tribunal issued a Final Award in favor of Glass Inspiration in ICC Case No. 26994 (the “Award”). A true and correct duly certified copy of the Award is attached hereto as **Exhibit B**.

10. The Award requires that McGrath pay Glass Inspiration a total of EUR 936,220.79 and USD 189,774.50, plus interest as defined in Exhibit B at page 120, section XIII(v). As of June 20, 2024, the interest totaled EUR 115,874.72 and USD 3,603.46. Interest continues to accrue after June 20, 2024.

11. Glass Inspiration's counsel sent letters to McGrath's counsel on June 6, 2024; July 15, 2024; and July 22, 2024, which requested information regarding McGrath's plan to fulfill its payment obligations under the Award.

12. As of the date of this Petition, McGrath has failed to respond to communications from Glass Inspiration regarding McGrath's payment obligations under the Award.

**COUNT ONE
CONFIRM ARBITRATION AWARD**

13. Glass Inspiration incorporates, restates, and realleges all of the preceding paragraphs.

14. Glass Inspiration has submitted a copy of the Arbitration Agreement and a duly certified copy of the Award, which includes a recitation of the selection or appointment of the Arbitral Tribunal and each written extension of the time within which to make the award.

15. By reason of the foregoing, the Court should issue an order confirming the Award attached hereto as Exhibit B, and direct that judgment be entered thereon.

PRAYER FOR RELIEF

WHEREFORE, Glass Inspiration respectfully requests that this Court:

1. Issue an order pursuant to 9 U.S.C. § 207 confirming the Award attached hereto as Exhibit B by the International Court of Arbitration of the International Chamber of Commerce dated May 29, 2024;
2. Enter judgment thereon pursuant to 9 U.S.C. § 207; and
3. Award Glass Inspiration such other and further relief as this Court deems just and proper.

Dated: August 19, 2024

MASLON LLP

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